

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**

TELEPHONE: (310) 207-3800

INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025

FACSIMILE: (310) 820-5988

**FACSIMILE COVER SHEET****RECEIVED**

MAR 7 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCESDeliver to: Pamela Bennett, USPTOArt Group: 3625Facsimile No.: 571-273-0299Date: March 7, 2006From: Joseph Lutz, Reg. No. 43,765Our Docket No.: 42390P10460Number of pages 6 including this sheet.Application No.: 09/823,084Filing Date: 3/29/2001Docket Due Date(s): N/A

Enclosed are the following documents:

- |  |   |
|--|---|
| <input type="checkbox"/> Amendment: _____ ( _____ pgs)             | <input type="checkbox"/> Issue Fee Transmittal                                    |
| <input checked="" type="checkbox"/> Appeal Brief ( <u>2</u> pgs)   | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Application: _____                        | <input type="checkbox"/> Petition for: _____                                      |
| ( <u>2</u> pgs) w/cover & abstract)                                | <input type="checkbox"/> Request for Continued Examination (RCE)                  |
| <input type="checkbox"/> Assignment & Cover Sheet ( _____ pgs)     | <input type="checkbox"/> Reply Brief ( _____ pgs)                                 |
| <input checked="" type="checkbox"/> Certificate of Facsimile _____ | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)     |
| <input type="checkbox"/> Continued Prosecution Application (CPA)   | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request       |
| <input type="checkbox"/> Declaration & POA ( _____ pgs)            | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Drawings: _____ sheets, _____ figures     | <input type="checkbox"/> Response to Written Opinion ( _____ pgs)                 |
| <input type="checkbox"/> Extension of Time: _____                  | <input type="checkbox"/> Terminal Disclaimer                                      |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Transmittal of Publication Fee Due                       |
| <input type="checkbox"/> IDS & PTO/SB/08 ( _____ pgs)              | <input checked="" type="checkbox"/> Transmittal Letter                            |
| <input type="checkbox"/> Other **Supplemental Appeal Brief _____   |   |

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)**

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

Marilyn Bass  
Marilyn Bass3/7/2006

Date

**Confidentiality Note:** The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (310) 207-3800 and ask for Marilyn Bass.

RECEIVED

310 20 5988

T-476 P.002/006 F-636

MAR 7 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

## TRANSMITTAL FORM

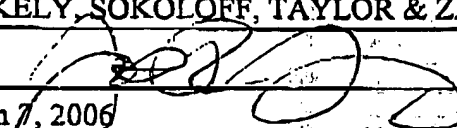
(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	5	Application No.	09/823,084
		Filing Date	March 29, 2001
		First Named Inventor	Christian R. Thomas
		Art Unit	3625
		Examiner Name	Garg, Yogesh C.
Attorney Docket Number		42390P10460	

## ENCLOSURES (check all that apply)


<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <div style="border: 1px solid black; padding: 5px; width: fit-content;">Facsimile transmission</div>
Remarks  **Supplemental Appeal Brief		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Joseph Lutz, Reg. No. 43,765 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	March 7, 2006

## CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

Typed or printed name	Marilyn Bass		
Signature		Date	March 7, 2006

MAR 7 2006

310 820 5988

T-476 P.003/006 F-636

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALSFEE TRANSMITTAL  
for FY 2005

Patent fees are subject to annual revision.

AND INTERFERENCES

Complete If Known

Application Number	09/823,084
Filing Date	March 29, 2001
First Named Inventor	Christian R. Thomas
Examiner Name	Garg, Yogesh C.
Art Unit	3625
Attorney Docket No.	42390P10460

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

(\$)

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayment of fee(s)☐ Credit any overpayments

under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

## FEE CALCULATION

## Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) \_\_\_\_\_

SUBTOTAL (2)

(\$)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Joseph Lutz

Registration No.  
(Attorney/Agent)

43,765

Telephone

(310) 207-3800

Signature

Date

03/07/06

RECEIVED

MAR 7 2006

FEE TRANSMITTAL  
for FY 2005

\* Patent fees are subject to annual revision.

U.S. PATENT AND  
BOARD OF APPEALS  
AND INTERFERENCE

Complete if Known

Application Number	09/823,084
Examination Office	March 29, 2001
Inventor	Christian R. Thomas
Examiner Name	Garg, Yogesh C.
Art Unit	3625
Attorney Docket No.	42390P10460

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

(\$)

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayment of fee(s)☐ Credit any overpayments

under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

## FEE CALCULATION

## Large Entity

## Small Entity

Fee Code Fee (\$)

Fee Code Fee (\$)

Fee Description

Fee Paid

1051 130

2051 65

Surcharge - late filing fee or oath

1052 50

2052 25

Surcharge - late provisional filing fee or cover sheet.

2053 130

2053 130

Non-English specification

1251 120

2251 60

Extension for reply within first month

1252 450

2252 225

Extension for reply within second month

1253 1,020

2253 510

Extension for reply within third month

1254 1,590

2254 795

Extension for reply within fourth month

1255 2,160

2255 1,080

Extension for reply within fifth month

1401 500

2401 250

Notice of Appeal

1402 500

2402 250

Filing a brief in support of an appeal

1403 1,000

2403 500

Request for oral hearing

1451 1,510

2451 1,510

Petition to institute a public use proceeding

1460 130

2460 130

Petitions to the Commissioner

1807 50

1807 50

Processing fee under 37 CFR 1.17(q)

1806 180

1806 180

Submission of Information Disclosure Stmt

1809 790

1809 395

Filing a submission after final rejection (37 CFR § 1.129(a))

1810 790

2810 395

For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify)

SUBTOTAL (2) (\$)

## SUBMITTED BY

Name (Print/Type)

Joseph Lutz

Registration No.  
(Attorney/Agent)

43,765

Telephone

(310) 207-3800

Signature

Date

03/07/06

Attorney's Docket No.: 42390P10460

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

**Christian R. Thomas, et al.**

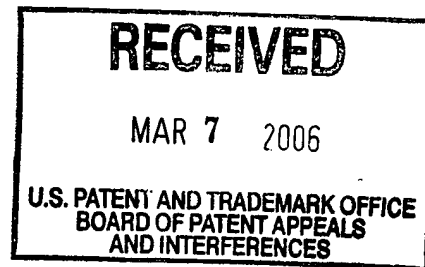
Serial No.: 09/823,084

Filed: March 29, 2001

For: **DYNAMICALLY INTERACTING WITH  
AN INTERNET SERVICE USING A  
CLIENT-SPECIFIED COMMUNICATION  
PROXY AND PROTOCOL**

Examiner: Garg, Yogesh C.

Art Group: 3625



**SUPPLEMENTAL APPEAL BRIEF**

Mail Stop Appeal Brief - Patent  
Commissioner for Patents  
P. O. 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit the following Supplemental Appeal Brief pursuant to 37 C.F.R. §41.37(c) for consideration by the Board of Patent Appeals and Interferences. Please charge any additional amount due or credit any overpayment to deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: March 7, 2006

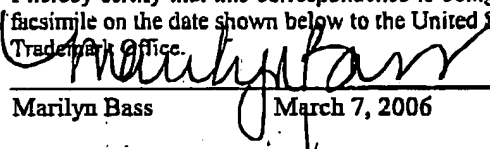
By:

  
Joseph Lutz, Reg. No. 43,765

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

**CERTIFICATE OF FACSIMILE:**

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

  
Marilyn Bass

March 7, 2006

X. EVIDENCE APPENDIX

No other evidence is submitted in connection with this appeal.

XI. RELATED PROCEEDINGS APPENDIX

No related proceedings exist.